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Representative William J. Flynn, Jr.  
Assistant Majority Leader  
Room 166  
State House  
Boston, MA 02133

Dear Representative Flynn:

This is in response to your recent letter concerning political committee expenditures for motor vehicle expenses.

M.G.L.c.55, S.6, provides that political committees such as yours may make expenditures for the enhancement of the political future of the candidate, although no expenditure may be made which is primarily for the candidate's or any other person's personal use. Regulations promulgated by this office provide that political committees may pay for reasonable travel expenses for a candidate, which may include the leasing of a car for campaign related travel. These expenses must be "relative to a political activity or function, the direct purpose of which is to solicit votes or contributions" 970 CMR 2.05(2)(j). The regulations further state that a political committee may pay for reasonable travel expenses for a candidate "in connection with functions or activities where the candidate's participation is important to political relations with his constituents or contributors, provided that the primary purpose in participating in the event is for the enhancement of the political future of the candidate" 970 CMR 2.06(3)(d).

These provisions permit political committees to make certain expenditures relative to travel which is campaign related. Candidates may, and do lease automobiles for travelling to and from political events. A candidate's political committee may pay for that portion of the lease which reflects the percentage of the automobile's use for campaign-related travel. Political committees may not pay for any portion of the leased car expenses which reflect the use of the automobile for personal use, which includes a direct commute to and from work.

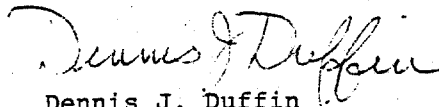
This prohibition on personal use clearly applies to a candidate who is a legislator as well.

In addition to the leasing of an automobile to be used primarily for campaign purposes, the regulations permit political committees to pay for other reasonable expenses for campaign-related travel. When a personal car is used, the rules would permit a candidate, or other individual, to be reimbursed on a cost per mile basis. This method of reimbursement most accurately reflects the campaign-related use of a personal car. The use of an individually-owned car to attend political functions and activities, consistent with the above cited regulations, may be paid for by the political committee in this manner.

In conclusion, political committees such as yours, may make expenditures relative to the use of an automobile for campaign-related activity in the following ways. The political committee may lease a car which must be used primarily for political campaign activity. Any other use of the car is considered personal and may not be paid for in any manner by the political committee. This personal use requires that the political committee be reimbursed for the appropriate proportional share of the lease. If a personally-owned automobile is used relative to political campaign activity, the owner may be reimbursed on a cost per mile basis for the actual travel involved. We have permitted candidates and other individuals to be reimbursed at a rate of approximately twenty to twenty-two cents per mile. As an alternative to this type of reimbursement, we have permitted individuals to simply be reimbursed for gasoline or other incidental expenses relative to political campaign travel.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

  
Dennis J. Duffin  
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